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9 Attorneys for Defendant and Counterclaimant  
10 Sun Microsystems, Inc.

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13 SAN FRANCISCO DIVISION  
14

15 NETWORK APPLIANCE, INC.,  
16 Plaintiff – Counterclaim  
Defendant,  
17 v.  
18 SUN MICROSYSTEMS, INC.,  
19 Defendant -  
20 Counterclaimant.  
21

CASE NO. 3:07-CV-06053 EDL

**DECLARATION OF CHRISTINE K.  
CORBETT IN SUPPORT OF SUN  
MICROSYSTEMS, INC.'S MOTION FOR  
PARTIAL STAY OF THE CASE PENDING  
REEXAMINATION OF UNITED STATES  
PATENT NOS. 5,819,292, 6,857,001 AND  
6,892,211**

**Date: TBD  
Time: TBD  
Courtroom: E, 15th Floor  
Hon. Elizabeth D. Laporte**

22 I, Christine K. Corbett, declare:

23 1. I am an attorney at law duly licensed to practice before this Court and am a partner  
24 with the law firm of DLA Piper US LLP, attorneys for Sun Microsystems, Inc. ("Sun"). I have  
25 personal knowledge of the matters set forth herein and, if called as a witness, I could and would  
26 competently testify thereto.

27 2. On or about November 30, 2007, Sun requested that the United States Patent and  
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1 Trademark Office ("PTO") conduct an *inter partes* reexamination of all claims of United States  
2 Patent No. 6,857,001 ("the '001 patent").

3 3. On or about April 7, 2008, the PTO issued an order granting reexamination of all  
4 63 claims of the '001 patent, finding that "[a] substantial new question of patentability (SNQ)  
5 affecting claims 1-63" of the '001 patent exists." Attached hereto as **Exhibit A** is a true and  
6 correct copy of the April 7, 2008, PTO order granting reexamination of all 63 claims of the '001  
7 patent.

8 4. On or about December 14, 2007, Sun requested that the PTO grant reexamination  
9 as to all claims of United States Patent No. 6,892,211 ("the '211 patent").

10 5. On or about April 2, 2008, the PTO issued an order granting *inter partes*  
11 reexamination as to all twenty-four claims of the '211 patent. Attached hereto as **Exhibit B** is a  
12 true and correct copy of the April 2, 2008 PTO order granting reexamination as to all twenty-four  
13 claims of the '211 patent.

14 6. On or about October 25, 2007, Sun requested that the PTO conduct a  
15 reexamination of United States Patent No. 5,819,292 ("the '292 patent").

16 7. On or about March 18, 2008, the PTO issued an order granting reexamination of  
17 the '292 patent, finding that "[a] substantial new question of patentability (SNQ) affecting  
18 [independent] claims 1 and 4" of the '292 patent exists. Attached hereto as **Exhibit C** is a true  
19 and correct copy of the March 18, 2008 PTO order granting reexamination of the '292 patent.

20 8. During the litigation, Sun's counsel became aware of additional important prior art that  
21 was not disclosed to the PTO during prosecution of the '292 patent. On April 4, 2008, Sun  
22 submitted a second request for reexamination as to claims 4, 8, 11-15 and 20 of the '292 patent  
23 based on eleven prior art references.

24 9. Attached hereto as **Exhibit D** is a true and correct copy of the most recent PTO  
25 statistics regarding *ex parte* reexaminations.

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10. Attached hereto as **Exhibit E** is a true and correct copy of the most recent PTO statistics regarding *inter partes* reexaminations.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed in East Palo Alto, California, on April 15, 2008.

Christine K. Corbett  
CHRISTINE K. CORBETT